

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND

Chambers of
BENSON EVERETT LEGG
Chief Judge

101 West Lombard Street
Baltimore, Maryland 21201
(410) 962-0723

December 8, 2005

MEMORANDUM TO COUNSEL RE: In the Matter of the Complaint of Eternity Shipping, Ltd., et al., for Exoneration from or Limitation of Liability
Civil #L-01-250

Dear Counsel:

The Court writes to address several issues that Counsel have recently raised.

I. Extension of Deadlines for Filing Briefs Regarding the Section 20(g) Argument and Rescheduling the Continued Hearing.

The Court is in receipt of Mr. Bailey's December 1, 2005 letter requesting an extension of the dates set in the Court's November 22, 2005 Memorandum to Counsel. Mr. Bailey states that not all Counsel are available on the December dates proposed by the Court for the continued hearing and that Mr. Brunkenhoefer has been tied up in depositions and was, therefore, unable to prepare a brief regarding the Section 20(g) argument by the December 5th deadline.

The Court GRANTS Mr. Bailey's request for an extension and REVISES the schedule as follows:

December 12, 2005:	Deadline for Mr. Brunkenhoefer's brief regarding § 20(g)
December 19, 2005:	Deadline for Mr. Whitman's opposition brief regarding § 20(g)
January 12, 17, or 18, 2006:	Continued hearing, beginning at 10:00 a.m.

On or before December 19, 2005, Counsel shall confer, select one of the three dates (January 12, 17, or 18, 2006) for the hearing, and NOTIFY the Court which date they have chosen.

II. Briefs Regarding the Procedures Applicable to Limitation Actions.

In its November 22nd Order, the Court recognized that Mr. Brunkenhoefer had made arguments about the procedures applicable to limitation actions but noted that he had not

provided any legal authority in support of his arguments. On December 6, 2005, Mr. Brunkenhoefer filed a brief setting forth legal authority that he claims supports his position. In a December 7th letter to the Court, Mr. Whitman stated that the procedural arguments are outside the scope of the pending summary judgment motions and that it is, therefore, not necessary for the Court to consider them at this time.

At this time, the Court would like to hear more from the parties about the procedural issues. Accordingly, on or before December 22, 2005, Limitation Plaintiffs may FILE a brief regarding the procedural issues. Any Counsel wishing to respond to the Limitation Plaintiffs' brief shall do so no later than January 5, 2006.

Despite the informal nature of this memorandum, it shall constitute an Order of the Court and the Clerk is directed to docket it accordingly.

Very truly yours,

/s/

Benson Everett Legg

c: Court file